

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHELLE ANGELA BRACK,

Plaintiff,

Case No. 20-cv-11323
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

/

ORDER GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT (ECF No. 24)

In this action, Plaintiff Michelle Angela Brack, appearing *pro se*, challenges the denial of her application for Social Security Income under the Social Security Act. (*See* Compl., ECF No. 1.)

On December 2, 2020, the assigned Magistrate Judge issued an order in which she directed Brack to file a motion for summary judgment by no later than January 4, 2021, and directed Defendant Commissioner of Social Security to file a motion for summary judgment by no later than February 3, 2021. (*See* Order, ECF No. 15, PageID.578.) Brack did not file a motion for summary judgment as directed. Accordingly, on January 21, 2021, the Magistrate Judge required Brack to show cause why the Court should not dismiss her Complaint for failure to prosecute. (*See* Order, ECF No. 16.) The Magistrate Judge provided Brack until March 1, 2021, to

either file her motion for summary judgment or explain why the Court should not dismiss her Complaint. (*See id.*, PageID.579.) And the Magistrate Judge warned Brack that her failure to timely respond could result in “the dismissal of [her] case.” (*Id.*, PageID.579-580.) At Brack’s request, the Magistrate Judge extended her time to file a motion for summary judgment until April 5, 2021. (*See Order*, ECF No. 20.) The Commissioner’s deadline to file a motion for summary judgment was also later extended until June 4, 2021. (*See Order*, ECF No. 22.)

Brack never filed a motion for summary judgment. The Commissioner, as directed, filed his motion for summary judgment on June 4, 2021. (*See Mot.*, ECF No. 24.) Brack never filed a response to the Commissioner’s motion.

On August 9, 2021, the Magistrate Judge issued a report and recommendation in which she recommended that the Court (1) dismiss Brack’s Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b) due to her failure to prosecute her case or (2) in the alternative, grant the Commissioner’s motion on the merits because Brack’s Complaint did not provide a basis for disturbing the decision to deny Brack’s application for benefits (the “R&R”). (R&R, ECF No. 25.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.638-639.)

Brack has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the parties have not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's alternative recommendation to grant the Commissioner's motion for summary judgment is **ADOPTED**.

IT IS FURTHER ORDERED that the Commissioner's motion for summary judgment (ECF No. 19) is **GRANTED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 22, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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